

# Wetlands Bureau Decision Report

Decisions Taken  
01/09/2006 to 01/15/2006

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

\*\*\*\*\*

**2005-00519                      HOOKSETT, TOWN OF**  
**HOOKSETT   Unnamed Wetland Merrimack River**

**Requested Action:**

Dredge and fill a total of 24,223 square feet of forested/shrub-scrub wetlands for construction of "College Park Drive", a town road connecting NH Rt. 3/28 to Main St. in Hooksett, in conjunction with NHDOT and the town's Master Plan, including: Impact #1, 7,123 square feet for slope grading and roadbase fill; Impact #2, 4,000 square feet, and Impact #3, 4,788 square feet, for slope grading; Impact #4 7,175 square feet for stream rerouting and installation of a 30" x 85' culvert; and Impact #5, 1,137 square feet for headwall construction and drainage rip rap protection.

Approve as mitigation preservation of 69.13 acres on the property of 3-A Development, to be granted as a conservation easement to be held the Town of Hooksett.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Conservation Commission recommends approval and will hold the mitigation conservation easement.

Inspection Date: 06/09/2005 by Dori A Wiggin

**APPROVE PERMIT:**

Dredge and fill a total of 24,223 square feet of forested/shrub-scrub wetlands for construction of "College Park Drive", a town road connecting NH Rt. 3/28 to Main St. in Hooksett, in conjunction with NHDOT and the town's Master Plan, including: Impact #1, 7,123 square feet for slope grading and roadbase fill; Impact #2, 4,000 square feet, and Impact #3, 4,788 square feet, for slope grading; Impact #4 7,175 square feet for stream rerouting and installation of a 30" x 85' culvert; and Impact #5, 1,137 square feet for headwall construction and drainage rip rap protection.

Approve as mitigation preservation of 69.13 acres on the property of 3-A Development, to be granted as a conservation easement to be held by the Town of Hooksett.

**With Conditions:**

1. All work shall be in accordance with revised plans by TF Moran Inc. dated 4/11/2005, entitled "College Park Drive, Hooksett, NH, Tax Map 9, Lots 34, 34-0, 34-1, Town of Hooksett and 3A Development, Owner Healthsource" sheets 1-3 of 48; and 5-48 of 48, as received by the Department on 7/8/2005; and per revised plan by TF Moran Inc. dated 11/1/05 entitled "Plan and Profile Sta. 0+00 - 15+00, College Park Drive, Hooksett, NH, Tax Map 9, Lots 34, 34-0, 34-1, Town of Hooksett and 3A Development, Owner Healthsource" sheet 4 of 48, as received by the Department on 11/3/2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Record revised conservation easement plan by Brown Engineering Inc., entitled "Conservation Easement Overlay Plan, Tax Map 14, Lot 14, NH Route 3/28, Hooksett, NH for 3A Development LLC" dated 12/21/2005, for each appropriate lot within 10 days from receipt of this decision and submit a certified receipt from the Merrimack County Registry of Deeds to the DES Wetlands Bureau.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. This permit is contingent upon receipt and DES approval of stream diversion/ dewatering plan for work at crossing locations which involve perennial streams.
9. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting,

and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

13. Silt fencing must be removed once the area is stabilized.

14. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

15. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

16. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.

17. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.

18. Temporary cofferdams shall be entirely removed immediately following construction.

19. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

23. Proper headwalls shall be constructed within seven days of culvert installation.

24. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

25. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

26. Work shall be done during low flow.

#### Wetland preservation:

1. This permit is contingent upon the execution of a conservation easement on 69.13 acres as depicted on plan by Brown Engineering Inc., entitled "Conservation Easement Overlay Plan, Tax Map 14, Lot 14, NH Route 3/28, Hooksett, NH for 3A Development LLC" dated 12/16/2005, as received by DES on 12/21/2005, and according to the provisions of the draft easement deed as revised to 10/29/2005 as received by DES on 11/1/2005; to be held by the Town of Hooksett, with stewardship by the Hooksett Conservation Commission.

2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of non-tidal wetlands in excess of 20,000 square feet of impact in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The Town of Hooksett, as supported by NH DOT per its agreement with the town dated 4/16/2004, as received by DES on 11/3/2005, has demonstrated that the construction of a roadway connecting Rt. 3/28 (Daniel Webster Highway) and Main Street is necessary to provide direct access for through traffic to alleviate the existing pressure and hazards resulting from heavy traffic volume weaving through residential streets to reach the Main St. Bridge.
3. This is a joint project between the Town of Hooksett/NHDOT, and 3A Development. This connector road construction to the west will also inter-relate with proposed construction of College Park Drive across Rt. 3/28 to the east from the subject project, which will occur when 3A Development constructs the University Heights project (files 2002-2449 and 2005-83), and which the Town of Hooksett sees as implementation of its Master Plan for municipal infrastructure development.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The alignment of the road is generally dictated by matching its alignment with the existing College Park Drive cul-de-sac and its exit point between properties on Main St., and is constrained by the existing Healthsource facility and by the site contours. Given the restrictive location of the road alignment, the proposal is limited to one unavoidable wetland fill, one unavoidable wetland crossing, and edge fill of adjacent wetlands.
5. The applicant has further offset the unavoidable impacts by providing compensatory mitigation as required by Wt302.03(b), by preservation of a 69.13 acre parcel through the granting of a conservation easement on the University Heights property by 3A Development to the Town of Hooksett, which will be contiguous with an additional 115-acre conservation easement parcel provided as mitigation for wetlands permit 2002-2449.
6. Pursuant to the requirements for Compensatory Mitigation Ratios stated in Wt 803.05, the amount of land required to be preserved as mitigation for the 24,322 square feet of wetlands impact applied for under this application, 2005-519, is 5.5 acres. The amount of land required to be preserved for mitigation for the associated 3A Development University Heights application, 2005-83, at 69,661 square feet of wetlands impact, is 16 acres. 3A Development is providing a 69.13 acre parcel to serve as mitigation for both permits. The size and upland to wetland ratio of this parcel exceeds the total mitigation acreage required for both projects combined by 47.63 acres.
7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project, as described in the following findings.
8. The Hooksett Conservation Commission stated in a letter dated 3/30/2005, as received by DES on 4/5/2005, that they had no concerns or objections to the project as permitted.
9. The property owner Healthsource signed a "Public Highway Development Agreement" on 7/12/2004, a copy of which was received by DES on 11/3/2005, agreeing to donate the land for construction of the College Park Drive connector road to the Town of Hooksett. On 11/21/2005 DES received written permission from Healthsource's facilities management company, CB Richard Ellis, dated 11/14/2005, for the Town of Hooksett to apply for the wetlands permit for the project on Healthsource property.
10. NH Fish and Game Department has stated in a memo dated 7/7/2005, as received by DES on 7/11/2005, that the project should not represent a threat to bald eagles as long as no mature trees greater than 12" dbh are removed along the banks of the Merrimack River; and that impacts to the brook floater mussel can be avoided by prevention of increased sedimentation entering the Merrimack River. The project is not located along the banks of the river, and will not result in removal of trees associated with bald eagles; the project has been revised to further ensure that natural treatment conditions and stabilized vegetation are preserved, and water quality treatment is designed, such as to not increase sedimentation discharging from the site.
11. A Phase IA/B Archeological Survey of the site was conducted by Independent Archeological Consulting LLC, whose report dated 6/21/2005, stated that findings for Native American resources and/or Euroamerican artifacts were negative.
12. With respect to project impacts within 20 feet of abutting property lines, DES received on 11/3/2005, 1) a copy of an Easement Deed granted to representatives of the applicant for slope construction and drainage on the Greenough property dated 6/14/1996; and 2) a copy of an easement similarly granted for slope construction and temporary construction on the Congregational Church of

Hooksett property dated 8/16/2004.

13. DES personnel conducted a field inspection of the site on 6/9/2005 in coordination with the NH Fish and Game Department personnel.

14. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.

15. DES finds that the project as proposed represents necessary and unavoidable impact which has been minimized to the degree practicable for construction of a public roadway of benefit to the general public.

**2005-00958                      PERRY, ESTATE OF THOMAS**  
**BARRINGTON   Unnamed Wetland**

**Requested Action:**

Dredge and fill of 25,418 square feet of wetlands for construction of a roadway for a 41-lot subdivision.

\*\*\*\*\*

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Dredge and fill of 25,418 square feet of wetlands for construction of a roadway for a 41-lot subdivision.

**With Findings:**

1. A request for additional information dated July 25, 2005, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. The 120-day response period expired on November 25, 2005.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied. Specifically, the applicant has failed to provide a plan with the conservation easement clearly identified; and has failed to provide written verification from the proposed easement holder that they are aware that the applicant proposes to transfer the easement to them, and that they are willing to hold the easement. Both items were requested in the Department's July 25, 2005 letter.

**2005-01103                      JORI PROPERTIES LLC, JEFF LOVEJOY**  
**LINCOLN   Tributary To Pollard Brook**

**Requested Action:**

Amend permit to allow an additional 2,730 square feet of temporary wetland and stream impact for three utility crossings.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

In a letter dated 8/1/05, the Town of Lincoln stated that they intend to hold the proposed conservation easement on 18.5 acres of land within the Forest Ridge project.

Inspection Date: 08/11/2004 by Jeffrey D Blecharczyk

**APPROVE AMENDMENT:**

Amend permit to read: Dredge and fill 14,000 square feet of wetland and streams (impacting 900 linear feet) to construct 2 main access roads (with 7 wetland/stream crossings and 5 areas of side slope fill) for a multi-phase residential townhouse and condominium development on approximately 215 acres of land. Temporarily impact 2,730 square feet of wetland and stream (impacting 54 linear feet) to install three utility crossings. Restore 12,000 square feet of previously filled wetland and retain 42,000 square feet of previously filled wetland for an earlier phase of development (Phase 2H). Mitigate wetland impacts for all past and future phases of development by executing a conservation easement on 18.5 acres of undeveloped land on-site (4.2 acres of wetland and 14.3 acres of upland).

With Conditions:

1. All work shall be in accordance with revised plans by Horizons Engineering, PLLC, as received by the Department on 12/8/05.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the proposed development shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Site Specific Program.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Work shall be done during low flow conditions.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. All temporary impacts to wetlands and streams shall be restored to their pre-construction conditions, including restoration of original grades, within 5 days of backfill.
19. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

RESTORATION CONDITIONS:

20. This permit is contingent upon the restoration of 12,000 square feet of wetlands in accordance with the restoration plan received on 10/19/05.
21. The schedule for construction of the restoration area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
22. The restoration area shall be properly constructed, monitored, and managed in accordance with the approved restoration plan.
23. Wetland restoration areas shall be properly constructed, planted, monitored and remedial actions taken when necessary to create functioning wetland areas similar to those wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
24. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
25. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the

restoration area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of the restoration site.

26. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

27. The permittee shall delineate the wetlands within the restoration site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.

28. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.

29. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration area during construction and during the early stages of vegetative establishment.

#### MITIGATION CONDITIONS:

30. This permit is contingent upon the execution of a conservation easement on 18.5 acres of undeveloped land as depicted on plans received on 7/29/05.

31. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

32. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

33. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

34. Permanent signage shall be posted every 100 feet along the conservation easement boundary prior to construction

35. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

36. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

#### With Findings:

1. This project is classified as a Major Project per NH Administrative Rule Wt 303.02(c) and (i), as overall wetland impacts are greater than 20,000 square feet and stream impacts are greater than 200 linear feet.

2. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. The total wetland impact for all past and future phases of development equals 60,720 square feet (1.39 acres). Based on the upland buffer preservation ratio of 10:1, the applicant is required to provide 607,200 square feet (13.94 acres) of conservation easement.

6. The applicant proposes to mitigate wetland impacts for all phases of development by executing a conservation easement on 18.5 acres of undeveloped land on-site (4.2 acres of wetland and 14.3 acres of upland); therefore, the mitigation requirements of Wt 800 have been met.

7. DES Staff conducted a field inspection of the proposed project on 8/11/04 and 8/1/05. Field inspection determined plans accurately depict the conditions for proposed development.

8. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland/stream ecosystem.

Requested Action:

Construct a 60 ft. x 6 ft. fixed pier to a 40 ft. x 3 ft. ramp to a 30 ft. x 10 ft. float, overall structure length is 107 ft., providing one slip on 765 ft. of frontage.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. intervened. No report.

Inspection Date: 12/05/2005 by Dori A Wiggin

APPROVE PERMIT:

Construct a 60 ft. x 6 ft. fixed pier to a 40 ft. x 3 ft. ramp to a 30 ft. x 10 ft. float, overall structure length is 107 ft., providing one slip on 765 ft. of frontage.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated September 20, 2005, as received by the Department on September 26, 2005.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The applicant currently has no docking structure on the property.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier is designed at one foot of height for each foot of structure width, with 3/4 inch spacing between decking to prevent shading of the tidal vegetation; has a seasonal ramp and float; and is the minimum length necessary to reach usable water on Piscataqua River.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. There were no NH Natural Heritage Bureau or NH Fish and Game hits for this project; this project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation in the channel; and the dock is located greater than 20 feet off the abutting property lines.
5. This dock is consistent with other tidal dock approvals in the seacoast.
6. Public hearing is waived based on DES staff field inspection on December 5, 2005 with the finding that the project impacts will not significantly impair the resources of this estuarine wetland ecosystem.



-Send to Governor and Executive Council-

**2005-02287 SAGAMORE LANDING CONDO ASSOC, KEVIN ECKHART  
PORTSMOUTH Sagamore Creek**

**Requested Action:**

Replace an existing wooden 3 ft. x 20 ft. ramp with a 3 ft. x 40 ft. aluminum ramp and the addition of three 6 ft. x 20 ft. floats to an existing dock, overall structure length is 126 ft., providing two full sized slips on 823 ft. of frontage.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**  
Con. Com. recommends approval.

**Inspection Date:** 12/06/2006 by Dori A Wiggin

**APPROVE PERMIT:**

Replace an existing wooden 3 ft. x 20 ft. ramp with a 3 ft. x 40 ft. aluminum ramp and the addition of three 6 ft. x 20 ft. floats to an existing dock, overall structure length is 126 ft., providing two full sized slips on 823 ft. of frontage.

**With Conditions:**

1. All work shall be in accordance with plans by Pickering Marine Corporation dated September 24, 2005, as received by the Department on September 27, 2005.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

**With Findings:**

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier is designed at one foot of height for each foot of structure width, with 3/4 inch spacing between decking to prevent shading of the tidal vegetation; has a seasonal ramp and float; and is the minimum length necessary to reach usable water on Sagamore Creek.
3. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. There were no NH Natural Heritage Bureau or NH Fish and Game hits for this project; this project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation in the channel; and the dock is located greater than 20 feet off the abutting property lines.
4. This dock is consistent with other tidal dock approvals in the seacoast.
5. Public hearing is waived based on DES staff field inspection on December 6, 2005 with the finding that the project impacts will

not significantly impair the resources of this estuarine wetland ecosystem.

-Send to Governor and Executive Council-

## MINOR IMPACT PROJECT

\*\*\*\*\*

**2000-02184                      SEFF ENTERPRISES AND HOLDINGS, LLC**  
**NEW BOSTON   Tributary To Piscataquog River**

### Requested Action:

Complete remaining 1,242 square feet of impact for driveway access to lot 8-84-28 and 8-84-29.

\*\*\*\*\*

### Conservation Commission/Staff Comments:

Conservation Commission not opposed to project.

### APPROVE AMENDMENT:

#### AMENDMENT

**TIME EXTENSION:** One year time extension to complete 1,242 square feet of wetlands impact for driveway access to Tax Map/Lots 8-84-28 and 8-28-29. This shall be the only time extension for this project.

Dredge and fill a total of 17,819 sq. ft. of palustrine forested, broad-leaved deciduous, seasonally flooded/saturated, previously logged wetlands to construct a roadway and driveway culvert crossings to complete the third phase of an existing residential subdivision.

### With Conditions:

1. All work shall be in accordance with plans by Bedford Design Consultants dated Sep 13, 2000 and Oct 06, 2000, as received by the Department on Oct. 05, 2000 and Oct. 17, 2000 respectively.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Proper headwalls shall be installed.
10. Culvert outlets shall be properly rip rapped.
11. Work shall be done during low flow.

### With Findings:

1. This is a minor impact project per Rule Wt 303.03(h).
2. This project meets the requirements for avoidance and minimization of impacts to wetlands as set forth in Rule Wt 302.03.
3. The applicant has demonstrated compliance with the requirements for application evaluation set forth in Rule Wt 302.04.

2005-00532

**NH DEPT OF TRANSPORTATION**

**HANCOCK Davis Brook**

**Requested Action:**

Face and extend the abutment/footing to reinforce a pipe arch and place additional stone to minimize scour and bank erosion impacting 721 sq. ft. of stream and banks (440 sq. ft. temporary).

\*\*\*\*\*

**APPROVE PERMIT:**

Face and extend the abutment/footing to reinforce a pipe arch and place additional stone to minimize scour and bank erosion impacting 721 sq. ft. of stream and banks (440 sq. ft. temporary). NHDOT project #99021U.

**With Conditions:**

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance signed 3/05, as received by the Department on March 23, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-00778                      NH DEPT OF TRANSPORTATION**  
**SPRINGFIELD   Star Brook**

Requested Action:

Slipline twin 60 in. x 90 ft. culverts, extend 10 ft. at outlet end and construct new header.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Slipline twin 60 in. x 90 ft. culverts, extend 10 ft. at outlet end and construct new header. NHDOT project #M 213-5.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 2, as received by the Department on April 25, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

**2005-01015 CZUBARUK, KATHLEEN**  
**GILFORD Lake Winnepesaukee**

Requested Action:

Construct a perched beach and a "U-shaped" docking facility consisting of two 6 ft x 35 crib piers connected by a 6 ft x 12 ft walkway on 214 ft of frontage in Gilford on Lake Winnepesaukee.

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Construct a perched beach and a "U-shaped" docking facility consisting of two 6 ft x 35 crib piers connected by a 6 ft x 12 ft walkway on 214 ft of frontage in Gilford on Lake Winnepesaukee.

With Findings:

1. A Request for More Information Letter dated August 1, 2005, addressed to the applicant or agent of record, requesting items including a cross section of the proposed beach and a tree plot plan for the frontage.
2. The Letter clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
3. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
4. DES did not receive the requested additional information within 120 days of the Request for More Information Letter and therefore the application has been denied.

**2005-01735 FLOOD, STEPHEN**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Add a 6 ft x 30 ft seasonal section to an existing 6 ft x 40 ft seasonal dock, install one seasonal boatlift and two seasonal PWC lifts immediately adjacent to the dock on 100 ft of frontage in Moultonborough on Lake Winnepesaukee.

\*\*\*\*\*

APPROVE PERMIT:

Add a 6 ft x 30 ft seasonal section to an existing 6 ft x 40 ft seasonal dock, install one seasonal boatlift and two seasonal PWC lifts immediately adjacent to the dock on 100 ft of frontage in Moultonborough on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 15, 2005, as received by the Department on December 8, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier, seasonal boat lift, and both seasonal PWC lifts shall be removed four months from the lake during the non-boating season.
5. No portion of the pier shall extend more than 70 feet from the shoreline at full lake elevation.
6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
7. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.

8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d)(3), construction or modification of any docking system that exceeds the design and construction criteria discussed at Wt 402.01 for minimum impact docks classified under Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-01741 PROULX, DENNIS**  
**LACONIA Lake Winnepesaukee**

Requested Action:

The Applicant requests reconsideration of November 8, 2005 decision to deny request to replace a seasonal pier with a permanent pier, install ice clusters, PWC lifts, and a permanent boatlift with a seasonal canopy.

\*\*\*\*\*

DENY RECONSIDERATION:

Reconsider and reaffirm decision to deny request to replace a 4 ft x 74 ft seasonal pier with a 6 ft x 80 ft permanent piling pier, install two ice clusters, two PWC lifts, and a permanent piling supported boatlift with a 13 ft x 30 ft seasonal canopy on an average of 81 ft of frontage on Lake Winnepesaukee.

With Findings:

Grounds for Reconsideration

1. The Applicant maintains that the 20 ft setback as required per RSA 482-A:3, XIII, does not apply to the extension of the property line over the public waters.
2. The Applicant maintains that the decision is inconsistent with previous decisions and cites Permits 1997-2185, Town of Meredith, and 2003-591, Hampshire Hospitality Holdings, as evidence that the Department may permit docking facilities which cross the imaginary extension of the property line.
3. The Applicant maintains that the term "common dock" as used in RSA 482-A:3, XIII, does not mean "owned in common" and that the proposed pier is allowable under RSA 482-A:3, XIII(d).
4. The applicant maintains that issues of safety and navigation have been addressed and submits additional information as evidence that the proposed dock will not pose a hazard to safety or navigation.

Standards for Approval

5. In accordance with Rule Wt 402.03, Setbacks, docks shall be located at least 20 ft from property lines or the imaginary extensions of those lines over the water.
6. In accordance with Rule Wt 402.04 Setbacks, as effective May 8, 1998, all docks shall be located at least 20 feet from any abutting property line or imaginary extension of the property line over surface water, unless the affected abutter provides, and the applicant records at the appropriate registry of deeds, a written statement acknowledging the dock location and accepting any potential impact resulting from such placement.
7. In accordance with RSA 482-A:3, XIII (b), "boat docking facilities may be perpendicular or parallel to the shoreline or extend at some other angle into a water body, depending on the needs of the landowners, factors related to safe navigation, and the difficulty of construction. However, any boat secured to such a dock shall not extend beyond the extension of the abutter's property line."

Findings of Fact

8. RSA 482-A:3, XIII, became effective August 23, 1998.
9. Prior to the addition of paragraph XIII to RSA 482-A:3 the setback requirement was established under Rule Wt 402.04 which did not specifically prohibit boats being secured to docks such that they would extend beyond the extension of the abutter's property line.
10. Permit 1997-2185 was approved May 8, 1998.
11. Application 2003-591 was filed jointly by the owners of each of the frontages over which the structures were proposed.
12. Finding #8 of the November 8, 2005 decision contains a typographical error. The final sentence should read: "It does NOT allow the abutter to authorize encroachments on the property line itself."
13. The Applicant has provided adequate documentation that the proposed docking facility will not pose a hazard to safety or navigation.
14. The Applicant has not provided any evidence that the proposed pier is for the common use of both the Applicant and the affected abutter.

#### Rulings in Support of the Decision

15. The provisions of RSA 482-A:3, XIII, do apply to the extension of property lines over the water to the extent the language specifies no boat secured to the facility may "extend beyond the extension of the abutter's property line." The covered slip with lift provided by the docking facility as proposed will extend beyond the abutter's property line and would therefore violate RSA 482-A:3, XIII(b).
16. Permit 1997-2185 was approved prior to the effective date of RSA 482-A:3, XIII, and therefore has no relevance to November 8, 2005 decision to deny this project under the new requirements of the RSA 482-A.
17. The structures applied for, and approved under Permit 2003-591, were applied for "in common" by all of the affected frontage owners in accordance with RSA 482-A:3, XIII(d), and therefore the decision to approve that project is not inconsistent with the November 8, 2005 decision to deny the proposed docking facility.
18. The proposed docking facilities were not applied for jointly by the Applicant and the affected abutter as a common dock therefore RSA 482-A:3, XIII(d) is not applicable to this project as proposed.

#### **2005-01877                      PARODI, ROBERT** **BROOKLINE   Unnamed Wetland**

##### Requested Action:

Dredge and fill 2,293 square feet of riverine and palustrine forested wetlands at three wetlands crossings including the installation of two (2) 18-inch x 18-foot culverts and associated headwalls and outlet protection impacting 127 square feet and 72 linear feet in the banks and bed of the channel, a 13-foot x 20-foot span bridge and associated abutments and footings impacting 1,897 square feet and 96 linear feet in the banks and bed of the channel, and one (1) 18-inch x 20-foot culvert impacting 269 square feet for access to a single family building lot.

\*\*\*\*\*

##### Conservation Commission/Staff Comments:

The Conservation Commission recommended approval of the application.

##### APPROVE PERMIT:

Dredge and fill 2,293 square feet of riverine and palustrine forested wetlands at three wetlands crossings including the installation of two (2) 18-inch x 18-foot culverts and associated headwalls and outlet protection impacting 127 square feet and 72 linear feet in the banks and bed of the channel, a 13-foot x 20-foot span bridge and associated abutments and footings impacting 1,897 square feet and 96 linear feet in the banks and bed of the channel, and one (1) 18-inch x 20-foot culvert impacting 269 square feet for access to a single family building lot.

##### With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated August 2, 2005, as received by the DES Wetlands Bureau on August 12, 2005 (for crossings #1 and #3) and on December 12, 2005 (for crossing #2).
2. This permit is contingent on receipt and approval by the DES Wetlands Bureau of a flow restriction plan for construction of the

bridge at crossing #2.

3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. All work shall be done during low flow.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The driveway is required to access buildable upland for a single family residence.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03. The proposed crossings were located to minimize crossing lengths and required grading.
4. The applicant explored other access routes to the property; however, abutting property owners denied these requests.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. The project will impact riverine and palustrine forested wetlands that drain to Lancy Brook.
7. This permit is contingent on approval by the DES Subsurface Systems Bureau.

**2005-02271 HOMES FOR A LIFETIME LLC**  
**WEARE Unnamed Wetland**

Requested Action:

Dredge and fill 3,206 square feet of palustrine forested wetlands at two wetland crossings, including the installation of a 15-inch x 54-foot culvert and associated outlet protection at one crossing, for construction of an access road to a 5-lot residential subdivision on an approximately 19.75 acre parcel with approximately 10.75 acres of open space.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 3,206 square feet of palustrine forested wetlands at two wetland crossings, including the installation of a 15-inch x 54-foot culvert and associated outlet protection at one crossing, for construction of an access road to a 5-lot residential subdivision on an approximately 19.75 acre parcel with approximately 10.75 acres of open space.



With Conditions:

1. All work shall be in accordance with plans by Dahlberg Land Services, Inc. dated July 20, 2005, as received by the DES Wetlands Bureau on December 23, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the County Registry of Deeds by the Permittee and a copy of the registered permit has been received by the DES Wetlands Bureau.
4. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #5 of this approval.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. All work shall be done during low flow.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Orange construction fencing shall be placed at the limits of construction adjacent to each wetland impact area to prevent accidental encroachment on wetlands.
14. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands.
15. Faulty equipment shall be repaired prior to entering jurisdictional areas.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The impacts are necessary for the construction of an access road for a 5-lot residential subdivision.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03. The subdivision was configured to minimize wetlands impacts by constructing a common access road and minimizing wetlands crossings.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The subdivision access road is being constructed across NH Route 149 from an existing road at a location that maximizes available site distance.
6. Drainage from the site currently outlets to an existing 24-inch culvert under NH Route 149.
7. Wetlands impact "A" is along the margin of an isolated wetland that does not exist on both sides of the proposed access road. At this location, drainage is parallel to the proposed access road and a cross culvert is not required. Drainage will be conveyed through drains and a treatment swale to the proposed 15-inch culvert (at wetland impact "B") which outlets near the existing 24-inch culvert under NH Route 149.
8. The proposed subdivision consists of five buildable lots approximately 9 acres in total area and approximately 10.75 acres of open space.
9. Of the five buildable lots, one lot is presently developed.
10. This permit is contingent on approval by the DES Subsurface Systems Bureau.

**2005-02392                      MANOUGIAN, MARK & A STUDEBAKER**  
**SWANZEY   Ashuelot River**

Requested Action:

Retain a 12 ft by 10 ft gravel canoe launch on 1,800 ft of frontage on the Ashuelot River, in Swanze.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No Con Com comments by January 12, 2006.

The Ashuelot River Advisory committee states the ramp is minimal in design and stable in its construction.

APPROVE AFTER THE FACT:

Retain a 12 ft by 10 ft gravel canoe launch on 1,800 ft of frontage on the Ashuelot River, in Swanze.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on November 15, 2005.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Ashuelot River.
4. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
5. There shall be no further alteration of the ramp area.
6. The ramp shall not be expanded beyond the current dimensions and no further impacts shall be permitted for any upgrades to the existing ramp.
7. The ramp is to launch car top watercraft only, it is not for watercraft requiring trailers for transport over the land.
8. All future activity shall be conducted in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), disturbance of less than 200 ft of a perennial river.
2. Removing and restoring the river bank to its original condition would result in greater impact to the river system than leaving the ramp in its existing condition.
3. Comments by the Ashuelot River Advisory Committee state the existing ramp is stable and creating no further impacts to the river system.

**2005-02455                      GWYN, OWEN**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Construct two 6 ft x 30 ft piling piers connected by a 6 ft x 12 ft walkway in a "U-shaped" configuration, with two 3-piling ice clusters, install a seasonal boatlift in the center boatslip with a 14 ft x 30 ft seasonal canopy, and install two PWC lifts on an average of 167 ft of frontage in Tuftonboro on Lake Winnepesaukee.

\*\*\*\*\*

APPROVE PERMIT:

Construct two 6 ft x 30 ft piling piers connected by a 6 ft x 12 ft walkway in a "U-shaped" configuration, with two 3-piling ice clusters, install a seasonal boatlift in the center boatslip with a 14 ft x 30 ft seasonal canopy, and install two PWC lifts on an average of 167 ft of frontage in Tuftonboro on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated January 10, 2006, as received by the Department on January 10, 2006.

2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Pilings shall be spaced at a minimum of 12 ft apart center to center.
4. Seasonal boatlift and seasonal PWC lifts shall be removed four months during the non-boating season.
5. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed four months during the non-boating season.
6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that violations exist.
7. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction or modification of a 3 slip permanent docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 167 feet of frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Wt 402.12.

**2005-02730 MORIN, ED & JUDY**  
**ALTON BAY Lake Winnepesaukee**

Requested Action:

Applicant requests reconsideration of the Departments December 13, 2005 decision to deny the request for perched beach construction based on new information provided.

\*\*\*\*\*

Inspection Date: 01/26/2006 by Chris T Brison

DENY RECONSIDERATION:

Reconsider and reaffirm December 13, 2005 decision to deny request to: Construct a 9 ft x 15 ft perched beach on 111.5 ft of frontage in Alton Bay on Lake Winnepesaukee.

With Findings:

Grounds for Reconsideration

1. The Applicant submitted additional plans and cross sections describing the project on December 28, 2005.

Findings of Fact

2. On December 28, 2005, the Wetlands Bureau received an overview plan and a cross section of the proposed 9 ft x 15 ft perched beach on the applicants frontage.
3. Discrepancies between the two plans indicate that the natural shoreline is either to be excavated or filled and not left intact as per Administrative Rule Wt 303.04(d)(2).
4. The overview plan indicates that the slope to be impacted is greater than 25%.
5. On December 28, 2005 the Bureau received a letter from the agent stating that signed permission for work within the 20 ft setback from the affect abutting property owner would be forwarded to the Bureau.

Ruling in Support of the Decision

6. The plans submitted indicate that the slope to be impacted is steeper than 25%, therefore, the Wetlands Bureau reaffirms the

December 13, 2005 decision to deny the proposed beach construction based on the original findings.

7. The Bureau did not receive signed permission from the abutting property owner before the timeframe for reconsideration due date, January 1, 2006.

## MINIMUM IMPACT PROJECT

\*\*\*\*\*

**2005-00779                      NH DEPT OF TRANSPORTATION**  
**CHESTERFIELD   Spofford Lake**

### Requested Action:

Replace a 36 in. x 40 ft. culvert with twin 30 in. x 40 ft. culverts and construct new headwalls temporarily impacting 130 sq. ft. of stream and banks.

\*\*\*\*\*

### APPROVE PERMIT:

Replace a 36 in. x 40 ft. culvert with twin 30 in. x 40 ft. culverts and construct new headwalls temporarily impacting 130 sq. ft. of stream and banks. NHDOT project #M405-1.

### With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 4 dated 03/05 as received by the Department on April 25, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

**2005-00821                      NH DEPT OF TRANSPORTATION**  
**TROY   Unnamed Stream**

### Requested Action:

Replace a 10 ft. x 34 ft. box culvert with pre-cast concrete box culvert of approximately the same dimensions temporarily impacting 992 sq. ft. of stream and banks.

\*\*\*\*\*

### APPROVE PERMIT:

Replace a 10 ft. x 34 ft. box culvert with pre-cast concrete box culvert of approximately the same dimensions temporarily impacting 992 sq. ft. of stream and banks. NHDOT project #M411-1.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 4 dated 1/05 as received by the Department on April 27, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

**2005-01309                      SECATORE, MARGARET**  
**WAKEFIELD   Belleau Lake**

Requested Action:

Construct a 15 ft by 17 ft perched beach with 4 cubic yards of sand and a 3 ft access stairway on 100 ft of frontage on Belleau Lake, Wakefield.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has not submitted comments as of 8/25/05

APPROVE PERMIT:

Construct a 15 ft by 17 ft perched beach with 4 cubic yards of sand and a 3 ft access stairway on 100 ft of frontage on Belleau Lake, Wakefield.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on December 21, 2005.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

3. Work shall be done during drawdown.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No sand shall be placed between the beach and the waterbody, all sand shall be placed within the beach area.
8. No more than 4 cu yd of sand may be used and all sand shall be located above the normal high water line.
9. This permit shall be used only once, and does not allow for annual beach replenishment.
10. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
11. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
13. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a perched beach.

**2005-02166                      BYRON, SCOTT**  
**BARRINGTON   Unnamed Wetland**

Requested Action:

Dredge and fill 2,431 square feet of wetlands to install a 15" x 25' culvert for construction of a driveway crossing for construction of a duplex on single building lot.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 2,431 square feet of wetlands to install a 15" x 25' culvert for construction of a driveway crossing for construction of a duplex on single building lot.

With Conditions:

1. All work shall be in accordance with revised plans by NH Soil Consultants Inc. dated 12/6/2005, as received by the Department on 12/10/2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3,000 square feet of swamps or wet meadows.
  2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. Wetlands need to be crossed at some point on the property to reach buildable uplands.
  3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The applicant is making use of an existing woods road to access the back of the property rather than creating a new path of disturbance.
  4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- The applicant has increased the culvert size in response to comments from NH Fish & Game Department with respect to Blandings turtles.

**2005-02186                      WOLFEBORO INN**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Replace a damaged three piling ice cluster adjacent to a 10 ft by 42 ft dock with an angled end on Lake Winnepesaukee, Wolfeboro.  
\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE AFTER THE FACT:

Replace a damaged three piling ice cluster adjacent to a 10 ft by 42 ft dock with an angled end on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Lakeshore Construction dated September 20, 2005, as received by the Department on December 28, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Repair shall maintain existing size, location and configuration.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2005-02693                      BICKNELL, JOHN**  
**MEREDITH   Lake Waukegan**

Requested Action:

Remove 128.8 sq ft of existing deck area, repair/replace an existing 3.8 ft x 26.4 ft seasonal pier with a 6.2 ft x 6.2 ft "L", in kind, and replace existing wooden steps with 4 ft wide granite steps to access the dock on 100 ft of frontage in Meredith on Lake Waukegan.  
\*\*\*\*\*

APPROVE PERMIT:

Remove 128.8 sq ft of existing deck area, repair/replace an existing 3.8 ft x 26.4 ft seasonal pier with a 6.2 ft x 6.2 ft "L", in kind, and replace existing wooden steps with 4 ft wide granite steps to access the dock on 100 ft of frontage in Meredith on Lake

Waukegan.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants, LLC dated December 2005, as received by the Department on December 29, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Repair/replacement shall maintain existing size, location and configuration.
4. Seasonal pier shall be removed from the lake for 4 months during the non-boating season.
5. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
6. Access steps shall not exceed 6 ft in width.
7. Further alteration of the docking facility would require a separate permit.
8. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(V), maintenance, repair and replacement in-kind of existing docking structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**FORESTRY NOTIFICATION**

\*\*\*\*\*

**2005-02992                      13 MILE WOODS ASSOCIATION, INC**  
**ERROL    Unnamed Stream**

**2005-03059                      LORIMER, ERIC**  
**PETERBOROUGH    Unnamed Stream**

COMPLETE NOTIFICATION:  
Peterboro Tax Map R5, Lot# 12-2

**2005-03061                      NICHOLS, SUSAN**  
**CONWAY    Unnamed Stream**

COMPLETE NOTIFICATION:  
Conway Tax Map 252, Lot# 57

**2005-03063                      SPNHF**  
**HILLSBOROUGH    Unnamed Stream**



COMPLETE NOTIFICATION:

Hillsboro Tax Map 8, lot# 40

**2006-00001                      HERSEY, DAVID**  
**DEERFIELD   Unnamed Wetland**

COMPLETE NOTIFICATION:

Deerfield Tax Map 414, Lot# 150

**2006-00024                      PULFIFER, CLARENCE**  
**CAMPTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Campton Tax Map 14, Lot# 2

**2006-00026                      PHILBROOK, KEMPTON & DONNA**  
**LYNDEBOROUGH   Unnamed Wetland**

COMPLETE NOTIFICATION:

Lyndeboro Tax Map 11, Lot# 19-4

**2006-00028                      CASAGRANDE, CARLA MARIA**  
**GILSUM   Unnamed Stream**

COMPLETE NOTIFICATION:

Gilsum Tax Map 406, Lot# 5

**2006-00030                      DILLON INVESTMENTS, LLC**  
**MILAN   Unnamed Stream**

COMPLETE NOTIFICATION:

Milan tax Map 193, Lot# 83

**2006-00031                      CARITA, DAVID & SUE**  
**LYNDEBOROUGH   Unnamed Wetland**

COMPLETE NOTIFICATION:

Lyndeboro Tax Map 4, Lot# 21

**2006-00034                      PATRIOTS TRAIL, GIRL SCOUT COUNCIL**  
**SUTTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Sutton Tax Map 2 & 4, Lot# 663,256 / 798,448 & 742,037 / 712,21

**2006-00035                      RUSSELL, JAMES & SARAH**  
**HILLSBOROUGH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hillsboro Tax Map 1, Lot# 6 & 8

**2006-00036                      HERTEL SR, VAN & VAN HERTEL JR**  
**ALTON   Unnamed Stream**

**2006-00037                      ERNST, FREDERICK**  
**ACWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Acworth Tax Map 55, Lot# 428

**2006-00046                      CAWLEY, ARNOLD & SARAH**  
**SANDWICH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sandwich Tax Map R4, Lot# 40

**2006-00049                      GODLEWSKI, BRENT**  
**MONT VERNON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Mont Vernon Tax Map 1, Lot# 2

**2006-00050                      CHAPLIN, BRUCE**  
**LEMPSTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lempster Tax Map 8, Lot# 134.080

**2006-00051                      YANKEE FOREST LLC**  
**MILAN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Milan Tax Map 42, Lot# 02

**EXPEDITED MINIMUM**

\*\*\*\*\*

**2005-02248 NH BALL BEARINGS INC**  
**PETERBOROUGH Unnamed Wetland**

**Requested Action:**

Temporary impact of approximately 1,518 square feet of palustrine emergent wetlands in a utility right-of-way easement for the replacement of two (2) wood-pole structures and associated access along an existing electric aerial power line under frozen ground conditions.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Conservation Commission signed; no comments.

**APPROVE PERMIT:**

Temporary impact of approximately 1,518 square feet of palustrine emergent wetlands in a utility right-of-way easement for the replacement of two (2) wood-pole structures and associated access along an existing electric aerial power line under frozen ground conditions.

**With Conditions:**

1. All work shall be in accordance with plans by Public Service of New Hampshire dated July 22, 2005, as received by the DES Wetlands Bureau on December 19, 2005.
2. Any future work in the utility right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Maintenance work shall maintain existing size, location and configuration.
4. All work shall be conducted under frozen ground conditions only.
5. Wetland boundaries shall be clearly marked adjacent to construction areas to prevent accidental encroachment on adjacent wetlands.
6. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
7. Upon removal, the old wood-pole structures shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. The contractor shall cut the old wood-pole structures off at ground level. Pole removal shall be conducted under frozen ground conditions only.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
12. Silt fence(s) must be removed once the area is stabilized.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
15. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.
16. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
17. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
18. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner

satisfactory to the DES Wetlands Bureau.

19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

20. Faulty equipment shall be repaired prior to entering jurisdictional areas.

21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The wood-pole structures require replacement in order to continue to provide reliable electrical service to a nearby industrial facility.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03. The applicant has proposed conducting the work under frozen ground conditions only, using low ground contact pressure equipment via the shortest access routes possible.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. The Local Advisory Committee of the Contoocook River was notified of the project but did not comment within the allotted time period.

6. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department did not have record of any rare or endangered species near the project area.

**2005-02557                      THOMAS, RUSSELL**  
**MEREDITH   Lake Winnepesaukee**

**Requested Action:**

Construct a 512 sq ft perched beach with 6 ft wide lake access steps and 6 ft wide beach access steps, relocate existing 6 ft x 60 ft seasonal pier southerly and construct 6 ft x 12 ft access steps over the bank, install seasonal boatlift in the most southerly boatslip, and install 2 seasonal PWC lifts on an average of 193 ft of frontage in Meredith on Lake Winnepesaukee.

\*\*\*\*\*

**APPROVE PERMIT:**

Construct a 512 sq ft perched beach with 6 ft wide lake access steps and 6 ft wide beach access steps, relocate existing 6 ft x 60 ft seasonal pier southerly and construct 6 ft x 12 ft access steps over the bank, install seasonal boatlift in the most southerly boatslip, and install 2 seasonal PWC lifts on an average of 193 ft of frontage in Meredith on Lake Winnepesaukee.

**With Conditions:**

1. All work shall be in accordance with revised plans by Watermark Marine Construction dated November 28, 2005, as received by the Department on December 30, 2005.

2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.

3. Seasonal pier, seasonal boatlift, and both seasonal PWC lifts shall be removed from the lake four months during the non-boating season.

4. No portion of the pier shall extend more than 60 feet from the shoreline at full lake elevation.

5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.

7. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.

8. The steps installed for access to the water shall be located completely landward of the normal high water line and shall not

exceed a 6 ft width.

9. No more than 10 cu yds of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a beach and, Wt 303.04(a) modification of a seasonal pier or wharf if no more than 2 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The Meredith Conservation Commission has expressed concerns regarding unnecessary relocation of the seasonal pier and tree removal.
5. The existing stream located on the most northerly part of the property contributes to silt and sand accumulation. Moving the seasonal pier as far south as possible would be the less impacting than continued slip dredging.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-02597                      WAKEFIELD, TOWN OF**  
**WAKEFIELD   Copp Brook**

Requested Action:

Temporary impact of 475 sq. ft. of wetland for the installation of a dry hydrant.

\*\*\*\*\*

APPROVE PERMIT:

Temporary impact of 475 sq. ft. of wetland for the installation of a dry hydrant.

With Conditions:

1. All work shall be in accordance with plans by Land Technical Service Corporation dated October 2005, as received by the Department on October 27, 2005.
2. The temporary work area shall be restored to original condition after work is completed.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Wetland boundaries at or near the impact areas are to be clearly marked prior to the start of clearing or construction.

**2005-02695                      HARDENBERGH REALTY TRUST**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Construct a 21 ft x 13 ft perched beach with 4 ft wide lake access steps on 213 ft of frontage in Wolfeboro on Lake Winnepesaukee.

\*\*\*\*\*

APPROVE PERMIT:

Construct a 21 ft x 13 ft perched beach with 4 ft wide lake access steps on 213 ft of frontage in Wolfeboro on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey dated October 28, 2005, as received by the Department on November 4, 2005.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
4. The steps installed for access to the water shall be located completely landward of the normal high water line.
5. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
6. This permit shall be used only once, and does not allow for annual beach replenishment.
7. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
8. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
9. Unnecessary removal of vegetation shall be prohibited.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
11. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-02703                      THORPE, RAMSEY**  
**MEREDITH Lake Waukeiwan**

Requested Action:

Repair/replace 20 linear ft of retaining wall on 107 ft of frontage in Meredith on Lake Waukeiwan.

\*\*\*\*\*

APPROVE PERMIT:

Repair/replace 20 linear ft of retaining wall on 107 ft of frontage in Meredith on Lake Waukeiwan.

With Conditions:

1. All work shall be in accordance with plans by James E. Coffey and Son Landscape Contractors, as received by the Department on December 23, 2005.
2. Repair shall maintain existing size, location and configuration.
3. All work shall be conducted completely landward of the reference line.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-02888**

**MCCADDIN, MARK & VIRGINIA LEE**

**HAMPTON Unnamed Wetland**

Requested Action:

Dredge 6,777 square feet of forest wetland for the construction of a wildlife pond.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Hampton Conservation Commission signed the Minimum Impact Expedited Application.

Inspection Date: 05/03/2005 by Eben M Lewis

APPROVE PERMIT:

Dredge 6,777 square feet of forest wetland for the construction of a wildlife pond.

With Conditions:

1. All work shall be in accordance with plans by Ames MSC dated November 15, 2005, as received by the Department on December 2, 2005.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. Work shall be conducted during (seasonal) low flow conditions.
4. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Machinery shall not be located within surface waters, where practicable.
6. Machinery shall be staged and refueled in upland areas.
7. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Stockpiled dredged material shall be dewatered in upland areas to sedimentation basins lined with erosion and siltation controls to prevent water quality degradation. Dewatering areas must be located at least 20 feet away from jurisdictional areas.
9. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(p) Construction of a pond with less than 20,000 sq. ft. of wetlands impact.
2. Per Wt 302.01, the need for the proposed impacts has been demonstrated by the applicant, as the pond will enhance wildlife habitat.
3. Per Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction, as the pond will be immediately adjacent to the uplands, though far enough from the nearby stream.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Field inspection was performed at this site by DES on May 3, 2005.
6. Upon field inspection DES finds that this site and proposed pond construction is consistent with similar projects approved by the Wetlands Bureau.
7. A memo dated December 29, 2005, from Nongame and Endangered Wildlife Program, NH Fish and Game Department identifies the following concerns: a.) potential impacts to any vernal pool that would subsequently impact the Spotted turtle; b.) the conversion of existing wetlands into artificially created open water and fragmentation of the wetlands.
8. In response the aforementioned concerns of NH Fish and Game, DES makes the following findings: a.) site inspection revealed that this site does not contain any vernal pools; b.) the construction of the this pond will not adversely affect the adjacent wetlands nor will the pond inadvertently fragment the adjacent wetland complex because the proposed wildlife pond is contiguous with the existing wetlands and uplands.

#### SHORELAND VARIANCE / WAIV

\*\*\*\*\*

**2005-02949                      GAGNON, SEMONE**  
**BARRINGTON   Ayers Lake**

#### PERMIT BY NOTIFICATION

\*\*\*\*\*

**2005-02948                      CIRURSO, LINDA**  
**BRIDGEWATER   Newfound Lake**

##### Requested Action:

Repair rip-rap "in kind" with no new rocks proposed.

\*\*\*\*\*

##### Conservation Commission/Staff Comments:

File was originally disqualified, but applicant sent in the two requirements so the PBN would be valid, so the file was reopened and verified as complete.

##### COMPLETE NOTIFICATION:

Repair rip-rap "in kind" with no new rocks proposed.

**2005-02967                      TESSIER, ROBERT**  
**STRAFFORD   Unnamed Wetland**

##### Requested Action:

Dredge and fill 245 square feet of wetlands for installation of a 12" x 25' culvert to construct a driveway crossing on a single family lot.

\*\*\*\*\*

##### Conservation Commission/Staff Comments:



Conservation Commission did not sign application.

PBN IS COMPLETE:

Dredge and fill 245 square feet of wetlands for installation of a 12" x 25' culvert to construct a driveway crossing on a single family lot.

**2006-00010                      PROULX, DENNIS**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Repair 80 linear ft of existing retaining "in-kind" with work being conducted behind full Lake 504.32.

\*\*\*\*\*

PBN IS COMPLETE:

Repair 80 linear ft of existing retaining "in-kind" with work being conducted behind full Lake 504.32.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.